

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty. # MNL-3584-33
Dkt.

WIRTH, Jr. et al

Serial No. 10/696,587

Filed: October 30, 2003

Title: PUSH BLOCK HAVING RETRACTABLE HEEL

TC/A.U. 3724

Examiner: Nguyen, P.

Date: August 2, 2007

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE/ TO EXAMINER'S ANSWER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.**Fees are attached as calculated below:**

| | | | |
|--|----|----------------------|--------------------------------|
| Total effective claims after amendment | 18 | minus highest number | |
| previously paid for | 20 | (at least 20) = | 0 x \$50.00 |
| | | | \$0.00 (1202)/\$0.00 (2202) \$ |

| | | | |
|------------------------------------|---|----------------------|--------------------------------|
| Independent claims after amendment | 3 | minus highest number | |
| previously paid for | 3 | (at least 3) = | 0 x \$200.00 |
| | | | \$0.00 (1201)/\$0.00 (2201) \$ |

If proper multiple dependent claims now added for first time, (ignore improper); add

\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)

| | |
|------------------------|--------------------------------------|
| One Month Extension | \$120.00 (1251)/\$60.00 (2251) |
| Two Month Extensions | \$450.00 (1252)/\$225.00 (2252) |
| Three Month Extensions | \$1020.00 (1253)/\$510.00 (2253) |
| Four Month Extensions | \$1590.00 (1254)/\$795.00 (2254) |
| Five Month Extensions | \$2160.00 (1255)/\$1080.00 (2255) \$ |

| | |
|-----------------------------------|------------------------------------|
| Terminal disclaimer enclosed, add | \$130.00 (1814)/ \$65.00 (2814) \$ |
|-----------------------------------|------------------------------------|

Applicant claims "small entity" status. Statement filed herewith

| | | |
|---|--------------------|------|
| Rule 56 Information Disclosure Statement Filing Fee | \$180.00 (1806) \$ | 0.00 |
|---|--------------------|------|

| | | |
|--------------------------|-------------------|------|
| Assignment Recording Fee | \$40.00 (8021) \$ | 0.00 |
|--------------------------|-------------------|------|

| | | |
|--------|----|------|
| Other: | \$ | 0.00 |
|--------|----|------|

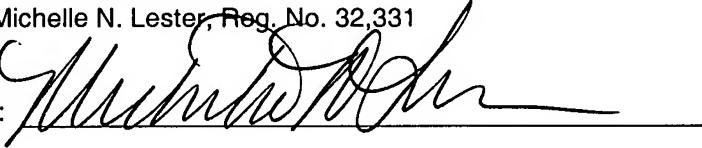
| | |
|------------------|----------------|
| TOTAL FEE | \$ 0.00 |
|------------------|----------------|

 CREDIT CARD PAYMENT FORM ATTACHED.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Michelle N. Lester, Reg. No. 32,331

Signature: 



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of

WIRTH, Jr. et al

Atty. Ref.: 3584-33

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For: PUSH BLOCK HAVING RETRACTABLE HEEL

* * * * *

August 2, 2007

Mail Stop Appeal Brief - Patents
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Alexandria, VA 22313-1450

RESPONSE TO EXAMINER'S ANSWER

Sir:

The undersigned has now received three virtually identical Examiner's Answers in regard to applicant's Appeal of the final rejection of April 7, 2006. Applicant has already timely filed a Reply Brief and a Request for Oral Hearing on September 26, 2006. It is respectfully requested that this application now be forwarded with all due haste to the Patent Office Board of Appeals for scheduling of the requested Oral Hearing.

The undersigned first filed a Brief on Appeal in the subject application on January 19, 2006. In response, the Examiner issued a new, final Official Action on April 7, 2006. On June 20, 2006, the undersigned requested reinstatement of the Appeal and filed a supplemental Appeal brief. The Examiner then issued an Examiner's Answer on August 11, 2006. Shortly thereafter, on August 31, 2006, a Notification of Non-Compliant Appeal Brief was issued, requiring that an amended Brief be filed to correct informalities in the Appeal Brief originally submitted. An amended Appeal Brief was then filed on September 7, 2006, followed by a Reply Brief to the Examiner's Answer and a Request for Oral Hearing on September 26, 2006. On November 2, 2006, the Examiner acknowledged the Reply Brief. Then, on May 9, 2007, the Board of Patent

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Response to Examiner's Answer
August 2, 2007

Appeals and Interferences returned this application to the Examiner because the Examiner had not acknowledged the amended Appeal Brief. The Examiner then issued a second Examiner's Answer, identical to the first Examiner's Answer on June 5, 2007. Yet another Examiner's Answer, now referencing the Appeal Brief filed September 7, 2006, was issued on July 31, 2007.

Clearly this application is now in order for consideration by the Board of Appeals and scheduling an Oral Hearing as originally requested on September 26, 2006. Expedited scheduling of the Oral Hearing is solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



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